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Attorneys for RABAB ABDULHADI

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

JACOB MANDEL, CHARLES VOLK, LIAM
KERN, MASHA MERKULOVA, AARON
PARKER, and STEPHANIE ROSEKIND;

Plaintiffs,
v.

BOARD OF TRUSTEES of the CALIFORNIA
STATE UNIVERSITY, SAN FRANCISCO
STATE UNIVERSITY, et al.;

Defendants.

) Case No.: 3:17-CV-03511-WHO

)

) DR. ABDULHADI'S REPLY IN

) SUPPORT OF HER REQUEST FOR

) JUDICIAL NOTICE

)

) (Filed Concurrently with Reply in

) Support of Motion to Dismiss)

)

) Date: November 8, 2017

) Time: 2:00 p.m.

) Location: Courtroom 2 (17th floor)

) Judge: William H. Orrick

) Original Action Filed: June 19, 2017

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DR. ABDULHADI'S REPLY IN SUPPORT OF HER REQUEST FOR JUDICIAL NOTICE

1 Dr. Abdulhadi's request for judicial notice should be granted as Plaintiffs do not question
2 the authenticity of any of the documents.

3 The Court may also (and is requested to) consider multiple documents as incorporated by
4 reference in the FAC. "Even if a document is not attached to a complaint, it may be incorporated
5 by reference into a complaint if the plaintiff refers extensively to the document or the document
6 forms the basis of the plaintiff's claim." *United States v. Ritchie*, 342 F.3d 903, 908 (9th Cir.
7 2003) In other words, "[a] court may consider a writing referenced in a complaint but not
8 explicitly incorporated therein if the complaint necessarily relies on the document and its
9 authenticity is unquestioned." *Parrino v. FHP, Inc.*, 146 F.3d 699, 706 (9th Cir. 1998),
10 superseded by statute on other grounds in *Abrego v. Dow Chem. Co.*, 443 F.3d 676 (9th Cir.
11 2006); *Swartz v. KPMG LLP*, 476 F.3d 756, 763 (9th Cir. 2007); *Kneivel v. ESPN*, 393 F.3d
12 1068, 1077 (9th Cir. 2005).

13 In the case at bar, the Plaintiffs do not question the authenticity of Exhibits A through D.

14 Exhibit A qualifies for judicial notice as it references the Barkat event that is central to
15 Plaintiffs' FAC and is referred to therein in FAC 22/2-6 and FAC 23/8-19.

16 Exhibits B and C qualify for judicial notice as it references advisor roles, which are
17 repeatedly referenced throughout Plaintiffs' FAC with respect to Dr. Abdulhadi's role as a
18 faculty advisor to GUPS. [FAC 27/24-28/5, 63/14-18, see also 9/26-27, 14/18-19, 15/16-17,
19 44/19-20, 53/4-5, 54/6-7].

20 Exhibit D qualifies for judicial notice as it references a pleading filed with the Court (i.e.
21 Dr. Abdulhadi's motion to dismiss Plaintiffs' original complaint). This is pertinent because it
22 demonstrates that Plaintiffs were already on notice of the defects of their original complaint and
23

1 declined to remedy them in their FAC. This in turn demonstrates that Plaintiffs are not entitled
2 to leave to amend.
3
4

5 DATED: October 25, 2017

RESPECTFULLY SUBMITTED

7 **LAW OFFICES OF BEN GHARAGOZLI**

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9 By: 

10 Ben Gharagozli, Esq.

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12 **LAW OFFICE OF MARK ALLEN KLEIMAN**

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14 By: /s/ Mark Allen Kleiman, Esq.

15 Mark Allen Kleiman, Esq.

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DR. ABDULHADI'S REPLY IN SUPPORT OF HER REQUEST FOR JUDICIAL NOTICE